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**General Assembly**
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**Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa (resolution 63/78)**

**Security Council**
**Sixty-fourth year**

## Letter dated 3 June 2009 from the Chargé d'affaires a.i. of Gabon to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the report of the twenty-eighth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, which was held from 4 to 8 May 2009 in Libreville, Gabonese Republic (see annex).

On behalf of the current Chairman of the Committee, Mr. Paul Toungui, Minister of State for Foreign Affairs, Cooperation, la Francophonie and Regional Integration, I am transmitting the report adopted at the conclusion of the meeting.

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 96 (e) of the preliminary list and of the Security Council.

(*Signed*) Michel Régis **Onanga M. Ndiaye**
Chargé d'affaires a.i.

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**Annex to the letter dated 3 June 2009 from the Chargé d'affaires a.i. of Gabon to the United Nations addressed to the Secretary-General**

**Final Report**

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# A. Introduction

1. The twenty-eighth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa was held in Libreville, Gabonese Republic, from 4 to 8 May 2009.

2. The following member States participated in the meeting: the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of the Congo, the Democratic Republic of the Congo, the Gabonese Republic, the Republic of Equatorial Guinea, the Republic of Rwanda, the Democratic Republic of Sao Tomé and Principe and the Republic of Chad.

3. The secretariat of the Committee was comprised of members of the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC).

4. The following United Nations entities took part in the proceedings: the United Nations Subregional Centre for Human Rights and Democracy in Central Africa (UNCHRD-CA), the United Nations Development Programme (UNDP), the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

5. The following entities participated as observers: the Economic Community of Central African States (ECCAS), the International Organization of la Francophonie (OIF), the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA), the African Union (AU) and the secretariat of the International Conference for the Great Lakes Region (ICGLR).

6. The opening ceremony featured:

- A message from the Secretary-General of the Economic Community of Central African States (ECCAS), read out by Mr. Jean Claude Tiker Tiker, Under-Secretary-General for Programmes, Budget, Administration and Human Resources;
- A message from the Secretary-General of the United Nations, read out by Ms. Agnès Marcaillou, chief of the regional disarmament branch of the Office for Disarmament Affairs;
- An address by His Excellency Mr. Jean Eyeghe Ndong, Prime Minister of the Gabonese Republic.

7. The closing statement was delivered by His Excellency Mr. Ali Bongo Ondimba, Minister of Defence of the Gabonese Republic, representing His Excellency Mr. Paul Toungui, Minister of State for Foreign Affairs, Cooperation, la Francophonie and Regional Integration.

# B. Summary of proceedings

## I. Election of the Bureau

8. Mr. George Rebello Chikoti, Deputy Minister for Foreign Affairs of the Republic of Angola, chaired the meeting at which the incoming Bureau was elected, in his capacity as representative of the outgoing Bureau Chairman.

9. Mr. Ali Bongo Ondimba, Minister of Defence of the Gabonese Republic, was elected Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa by acclamation.

10. The Committee also elected the following countries as members of the Bureau:

- First Vice-Chairman: Republic of Chad;
- Second Vice-Chairman: Central African Republic;
- Rapporteur: Democratic Republic of the Congo.

## II. Adoption of the agenda

11. The meeting at which the agenda was adopted was chaired by the Chairman of the Committee, Mr. Ali Bongo Ondimba, Minister of Defence of the Gabonese Republic.

12. The Committee adopted the following agenda:

1. Election of the Bureau;
2. Adoption of the agenda of the twenty-eighth ministerial meeting;
3. Report of the outgoing Bureau, read by its Chairman;
4. Review of the geopolitical and security situation;
5. Implementation of the Sao Tomé initiative:
   - Consideration of a code of conduct for defence and security forces in Central Africa;
   - Draft legal instrument on control of small arms and light weapons in Central Africa;
6. Origins, mandate, achievements and future prospects of the Committee;
7. Combating cross-border crime in Central Africa:
   - Consideration of cross-border security problems in Central Africa;
   - Follow-up to the Yaoundé conference on cross-border security problems in Central Africa;
   - Questions relating to piracy in the Gulf of Guinea;

8. Promotion of disarmament and arms limitation programmes in Central Africa:

   - Country reports on implementation of the Brazzaville Programme of priority activities (proliferation of small arms and light weapons, and disarmament of the civilian population);
   - Briefing by the United Nations Office for Disarmament Affairs;

9. Briefing by the ECCAS secretariat on the subregional seminar on security sector reform held in Kinshasa from 13 to 15 January 2009;

10. Report by the ECCAS secretariat on the institutional evolution of the subregional peace and security structures and mechanisms, including ratification of the protocol on the Council for Peace and Security in Central Africa (COPAX), non-aggression and mutual assistance pacts, and the Central African multinational force (FOMAC);

11. Report on the activities of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa;

12. Review of the financial situation of the Committee, including under the regular budget of the United Nations and the United Nations trust fund;

13. Date and place of the next meeting;

14. Other matters;

15. Consideration and adoption of the report of the twenty-eighth ministerial meeting.

## III. Report of the outgoing Bureau, read by its Chairman

13. The Committee took note with interest of the report of the outgoing Bureau, submitted by its Chairman. It commended the dynamism with which the Bureau had performed its duties and, in particular, its active contribution, in cooperation with the secretariat, to the preparation and organization of the twenty-eighth ministerial meeting.

## IV. Review of the geopolitical and security situation in Central Africa

14. Document UNSAC/2009/28/WP.4/REV.1 submitted by the ECCAS secretariat served as the basis for discussion of this item.

15. Consideration of the geopolitical and security situation in the subregion focused on three main areas: political and institutional developments, internal and cross-border security, and issues related to governance and the humanitarian situation and human rights.

16. The Committee expressed appreciation to the ECCAS secretariat for its exemplary report.

17. During discussions, it emerged that, since the Committee's last meeting, there had been sharply contrasting developments in the geopolitical and security situation in Central Africa. On the one hand, there had been notable progress in consolidation

of democratic processes and the smooth functioning of institutions. On the other hand, the subregion had been confronted with a number of situations of concern on the level of security.

18. On the political and institutional level, the period under consideration had been characterized by stability and the conduct of several electoral processes.

19. On the level of internal and cross-border security, although the climate of calm that currently characterizes some conflicts is welcome, it should be remembered that Central Africa has also experienced serious threats to peace and security.

20. On the level of governance, the humanitarian situation and the human rights situation, it must be recognized that those three areas were connected to the issue of security in the world in general and in Central Africa in particular. The period under consideration allowed for an assessment of efforts made by member States in that area.

21. It should be noted that virtually all Central African States have adopted legal and institutional mechanisms to regulate such matters (national good governance programmes, legislative provisions covering refugees, legislative and administrative provisions protecting minorities, human rights committees and commissions, increased penalties for trafficking in and exploitation of children, and movements to abolish the death penalty).

22. Despite notable efforts by the competent authorities, problems persist in certain places.

23. After this general overview of the situation in the subregion, the following country-by-country assessments were made.

- ***Republic of Angola***

24. On the political level, the electoral process has generally been conducted in an atmosphere of civic responsibility. In contrast to the first elections, held in 1992, both citizens and political actors have chosen to maintain the law, order and calm that has prevailed in the country since the end of the civil war.

25. Under the electoral law, political parties receiving less than 0.5 per cent of validly cast votes in legislative elections must be disbanded. That rule applies both to political parties that ran individually and to those that ran as part of a coalition formed during the election.

26. Since the signature of the Memorandum of Understanding for National Peace and Reconciliation between the Government and the Frente para a Libertação do Enclave de Cabinda (FLEC), the situation in the province of Cabinda has been calm. The Government has taken steps to disarm the former fighters of that movement and integrate them into the national army and the civil service.

27. On the humanitarian and social level, the situation has improved considerably. The Angolan Government is in the process of implementing a national reconstruction programme focused on social infrastructure and other kinds of infrastructure.

28. The Committee welcomed the continuation of Government efforts since the end of the civil war to demine Angolan territory completely. The Republic of Angola

is one of the countries most affected by antipersonnel mines and other ordnance left behind by the war. There are an estimated six to eight million mines.

29. Since the Committee's previous meeting, the Angolan Government has continued to implement its four-phase programme to disarm the civilian population. Collecting weapons from civilians has proven essential for ensuring peace.

30. On the level of security, the Committee took note of the fact that, during the period under consideration, 72,000 foreigners — mostly illegal aliens of Congolese nationality — have been deported. Most of these immigrants had entered the country in hopes of making money in the diamond trade, and were regarded by the authorities as a threat to peace and to the political and economic security of the country.

- ***Republic of Burundi***

31. Since the last meeting, in Luanda, the Republic of Burundi has seen a number of positive security developments inasmuch as the guns have fallen silent after 13 years of civil war. Nevertheless, insecurity in the country is on the rise because of the continued illegal traffic in small arms and light weapons.

32. The Committee expressed its complete satisfaction with the way the demobilization, disarmament and reintegration of the former combatants — including through the voluntary surrender and destruction of weapons held by the former rebels — was proceeding.

33. On the humanitarian front, despite continuing human rights violations, the Republic of Burundi has taken a positive step in that Parliament has abolished the death penalty.

34. Parliament adopted an amendment to the penal code providing for the abolition of the death penalty. It also includes the provisions of international justice as regards genocide, crimes against humanity and war crimes.

35. On the political front, the Committee was pleased by the decision by the leader of the Forces nationales de libération, after the Government's decision to grant provisional immunity to political detainees and prisoners of war, to renounce the name "Palipehutu", deemed to be in breach of the constitution of Burundi.

36. It also expressed its satisfaction at the reorganization of the Forces nationales de libération as a constitutionally legitimate political party and welcomed the establishment by the Government of the independent national electoral commission in charge of preparing for the elections planned for the year 2010.

37. Taking into account the challenge posed by the continuing poverty in Burundi, which could compromise efforts to normalize the political, social and security situation, the Committee appealed to the international community to support the Government in its efforts to stabilize the country.

- ***Republic of Cameroon***

38. Since the last Ministerial Meeting, held in Luanda in May 2008, the general context in the Republic of Cameroon has been one of peace and stability.

39. The political situation has been characterized essentially by the electoral dispute brought before the Supreme Court, resulting from the municipal vote of July

2007. This case led to the partial annulment of the disputed elections and the organization of new ones in October 2008. The Rassemblement démocratique du peuple camerounais (RDPC), the party in power, confirmed its lead by winning the new elections by a large majority.

40. That voting took place in an atmosphere of calm and peace. As part of its efforts to modernize the electoral system, the Republic of Cameroon set up an independent body to organize elections called "Elections Cameroon".

41. The Committee welcomed the commendable efforts made by the defence and security forces to fight roadblockers and trans-border crime. It urged the Republic of Cameroon to continue the tripartite exchanges undertaken with Chad and the Central African Republic, extended after 20 June 2008 to include all members of the Central African Economic and Monetary Community (CEMAC), to ensure synergy in actions against insecurity.

42. The Committee said that it was deeply concerned by the resurgence of crime and piracy in the Gulf of Guinea. It appealed for concerted action by the countries of the subregion to fight the scourge of piracy and maritime insecurity.

43. The Committee appealed to the international community to support the efforts being made in that regard and to assist the Republic of Cameroon and other countries affected to secure their maritime areas.

- ***Central African Republic***

44. The political and institutional situation in the Central African Republic has been relatively stable since the signing, on 21 June 2008, of the comprehensive peace agreement between the Government and the political and military movements — such as the Armée populaire pour la restauration de la démocratie and the Union des forces démocratiques pour le rassemblement — and the transfer of authority from CEMAC and ECCAS.

45. This situation was reinforced by the inclusive political dialogue, held from 5 to 20 December 2008, under the auspices of the President of Gabon, El Hadj Omar Bongo Ondimba, in his capacity as Chairman of the Central African Economic and Monetary Community ad hoc committee on Central African issues.

46. That important meeting was attended by the following political actors: Government, opposition political parties, the presidential majority, civil society, political movements of the armed opposition, religious communities and international observers.

47. Three thematic pillars were identified for the construction of a lasting peace in the country: politics and governance, security and armed groups and socio-economic development.

48. Concerning human rights, it was noted that there have been many violations of fundamental rights during the period under consideration. What is new is that most of the human rights violations committed in the Central African Republic appear to have been perpetrated by defence and security forces, according to a United Nations report published in December 2008.

49. The Committee noted that the perpetrators of human rights violations, members of the defence and security forces, are currently being prosecuted before

the permanent military court and it urged the Government to maintain its efforts to protect human rights.

50. On the security front, following the inclusive political dialogue, a steering committee for the disarmament, demobilization and reintegration of former rebels was set up and is now operating. It will spell out the eligibility criteria for the former combatants, who currently number 8,000.

51. The Committee expressed regret at the fact that the Front démocratique du peuple centrafricain (FDPC) is not following the rules and condemned the upsurge in hostilities. It welcomed the steps taken by the Central African Republic to make the Front see reason and the efforts made by the mediator and other facilitators to get the other political and military movements to rejoin the peace process.

52. The Committee also regretted the internal conflicts within the political and military movements that have led to the recent creation of a new movement called the Convergence des patriotes centrafricains pour la justice et la paix.

- ***Republic of the Congo***

53. During the period under consideration, the main development in the political life of the Congo was the renewal of half of the Senate after the elections of 30 July and 5 August 2008.

54. As regards peacebuilding, on 12 May 2008 the Government ordered the dismantling of all roadblocks to ensure the free movement of people and goods.

55. As regards security, the Republic of the Congo has continued its efforts within the framework of the second phase of the weapons for development project, whose specific goal is to collect and destroy small arms and light weapons, munitions and explosives illegally held by members of the population. The project, which also aims to reintegrate former combatants into society, is being implemented by the United Nations Development Programme in partnership with Japan.

56. On the social level, the Government has adopted laws to promote and protect indigenous peoples and taken steps to fight the high cost of living.

57. On the humanitarian front, the Government has once again shown its commitment to the promotion of international humanitarian law by organizing, in collaboration with the International Committee of the Red Cross, training workshops for magistrates and armed forces and security officers.

58. Finally, the Committee expressed its sincere condolences to the President of the Republic, the Government and people of the Congo, for the death on 14 March 2009 of the President's eldest daughter, who was also the wife of the head of State of Gabon.

- ***Democratic Republic of the Congo***

59. During the period under consideration, the situation in the eastern part of the Democratic Republic of the Congo has continued to improve thanks to the steps taken by the President and the Government to harmonize relations between the Democratic Republic of the Congo and its neighbours, notably Rwanda, Burundi and Uganda.

60. Following the efforts made by the head of State and by the Government, the Democratic Republic of the Congo has signed a variety of agreements with its neighbours, with the assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, to put an end to the existence of armed groups and negative forces in the eastern part of the country, such as the Congrès national pour la défense du peuple (CNDP), Forces démocratiques de libération du Rwanda (FDLR), Interahamwe and the Lord's Resistance Army (LRA).

61. The "Umoja Wetu" operations carried out by the Democratic Republic of the Congo and the bilateral commission between it and Rwanda have led to the signing of agreements between the Democratic Republic of the Congo and all the armed groups. The following results have been obtained: dislodging of CNDP and other rebels from their positions, repatriation of more than 6,000 Rwandan combatants and their dependents, and signing of a memorandum of voluntary repatriation for the return to Rwanda of members of ex-FAR/Interahamwe/FDLR.

62. Similar operations have been carried out by the armed forces of the Democratic Republic of the Congo in South Kivu. In Orientale province, armed forces from the Democratic Republic of the Congo, southern Sudan and Uganda have dislodged the Lord's Resistance Army rebels and freed hostages.

63. This has led to a definite improvement in relations between the Democratic Republic of the Congo and its neighbours Rwanda, Uganda and Burundi. Diplomatic relations with Uganda have been renewed, with the accreditation of ambassadors, and the same will be true very shortly as regards Rwanda and Burundi.

64. The Committee indicated that it supported this process and appealed to the international community to support the efforts undertaken by the States concerned to carry out disarmament, demobilization and reinsertion programmes.

65. The Democratic Republic of the Congo has appealed to the United Nations to maintain its assistance to the States concerned in the management of refugees and displaced persons located within their respective territories.

66. The Committee welcomed the improvement in bilateral relations between the Democratic Republic of the Congo and Rwanda (see the description of the state of bilateral relations between the two countries).

- ***The Gabonese Republic***

67. The Committee welcomed the general situation of peace and security prevailing in Gabon. It solemnly expressed its sympathy, solidarity and sincere condolences to the President of the Republic, the Government and all the people of Gabon after the tragic death of the wife of the head of State of Gabon on 14 March 2009.

68. On the political front, the Committee was pleased to see that the local elections had gone smoothly and had been followed by the renewal of the bureaux of the departmental, municipal and senate councils, as well as by a reorganization of the Government which took place as a result.

69. On the social and economic level, the Committee welcomed the set of measures taken by the Government to fight poverty and social vulnerability, such as assistance to persons of no fixed abode, assistance for the purchase of medical and technical material, free health care in the pilot services of hospital centres and free

water and electricity for the most impoverished members of the population. However, those efforts had been undermined by the start of several social movements, with many strikes, mainly in the education, health, oil and gas and public administration sectors.

70. Under the heading of human rights, the Committee welcomed the growing numbers of organizations working to promote and protect human rights, such as the Ligue gabonaise des droits de l'homme, l'Association nationale des droits de l'homme et l'Association des droits de l'homme et des peuples to mention but a few, as well as the absence of prisoners of conscience.

71. The Committee welcomed the easing of tension in the border dispute between Gabon and Equatorial Guinea.

- ***Republic of Equatorial Guinea***

72. With respect to recent developments in politics and governance, there have been two important political developments in Equatorial Guinea since the last ministerial meeting in Sao Tomé and Principe, namely the municipal elections and the legislative elections held in May 2008.

73. According to reports from various international observers, the elections were conducted in a peaceful and transparent manner. The party in power, the Democratic Party of Equatorial Guinea, won a majority of the votes; this outcome was accepted by the opposition. It should be noted that several political parties from the democratic and radical opposition are represented in Parliament.

74. Domestic and cross-border security has remained a concern throughout the last few years, owing to the recent increase in illegal immigration.

75. During the period under review, gunmen staged a dramatic raid against two banks in Bata and, in a later incident, heavily armed men in motorboats attempted to attack the presidential palace. The perpetrators allegedly belonged to the Movement for the Emancipation of the Niger Delta (MEND).

76. In both cases, the raids were launched from the sea. These attacks against the stability of Equatorial Guinea highlight the need for cooperation among the States of the subregion in the effort to secure the Gulf of Guinea.

- ***Republic of Rwanda***

77. During the period under review, the general situation in Rwanda was characterized by stability and the smooth functioning of institutions, despite the fact that the country continues to deal with the aftermath of the 1994 genocide.

78. The Committee was pleased to note that the 2008 legislative elections were conducted in a peaceful manner. Rwanda is already preparing to hold presidential elections in 2010 in a peaceful political climate.

79. Regarding domestic security, public order and security were relatively well maintained.

80. Given the improvement in relations between the Democratic Republic of the Congo and the Republic of Rwanda (see the paragraph regarding bilateral relations) the two countries mounted a joint military operation in North Kivu to eradicate the ex-FAR/Interahamwe/FDLR.

81. The authorities have achieved significant progress in the areas of good governance and human rights. For example, the abolition of the death penalty, which was adopted in 2007, entered into force during the period under review.

- ***The Democratic Republic of Sao Tomé and Principe***

82. Since the Committee's twenty-seventh ministerial meeting, the political climate in the Democratic Republic of Sao Tomé and Principe has been marked primarily by a political crisis brought on by the dissolution of the Government in May 2008.

83. Once the new Government — headed by the leader of the main opposition party, the Movement for the Liberation of Sao Tomé and Principe/Social Democrat Party (MLST/PSD) — took office, political calm was restored and the country's institutions began to function smoothly; the National Assembly approved the nation's thirteenth constitutional Government.

84. This return to constitutional order should facilitate the peaceful preparation of the municipal elections planned for 2009, the legislative elections set for the first quarter of 2010 and the presidential elections of July 2011.

85. With respect to justice and human rights, Parliament adopted new criminal legislation amending the criminal procedure code and the criminal code. These amendments will facilitate the alignment of the country's legislation with the new national and international reality.

86. As to social and economic development, the Government implemented an extensive road reconstruction programme, focusing in particular on the roads leading to and from the Sao Tomé International Airport.

87. With regard to domestic security, the period under review was marked by a plot to destabilize public and social order. It would appear that the plot — which was thwarted by Government authorities — aimed to overthrow the current Government.

- ***Republic of Chad***

88. The Republic of Chad is one of the member States where peace and the stability of institutions have been continually threatened by uprisings. This has led to a climate of insecurity, particularly in the conflict zones, with dire humanitarian consequences.

89. At the national level, the Government is continuing its efforts to achieve national reconciliation and consolidate the democratic process, with the involvement of all national political actors.

90. Pursuant to Security Council resolution 1778 (2007), the Government enabled the deployment of an international presence (the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union-led peacekeeping force (EUFOR)) in eastern Chad, with a view to providing a secure environment for Sudanese refugees, displaced Chadian population and the humanitarian personnel working in that region. The Committee welcomed the renewal, in January 2009, of the mandate of this international presence in Chad, pursuant to Security Council resolution 1861 (2009).

91. Regarding the political and institutional situation, developments during the period under review confirm the bipolarized nature of the opposition. One the one hand, there is the so-called "democratic" opposition, which is built around two main political parties, the Fédération action pour la Republique (FAR) and the Coordination des partis politiques pour la defense de la constitution (CPDC), and, on the other, there is the "political-military" opposition, which is made up of armed groups. These groups are not based in Chad but conduct raids into Chad from outside the country. These two branches of the opposition are competing against a "Government" majority led by the Mouvement patriotique du salut.

92. On the diplomatic front, the Committee welcomed the signing on 3 May 2009, in Doha, Qatar, under the auspices of the African Union and the Emirate of Qatar, of a new agreement between the Republic of Chad and the Republic of the Sudan. The agreement aims to build upon the recent improvement in bilateral relations between the two countries.

93. Unfortunately, the day after the agreement was signed, several armed groups crossed over the border from the Sudan into Chad, thereby casting a pall over the two countries' relations.

94. The security situation has deteriorated. The commission established to investigate the events of February 2008, starting with the rebel attacks, has gathered evidence of numerous murders, kidnappings and rapes. The courts will have to decide on compensation for the victims. In the meantime, the rebels and Government forces have been relatively inactive in the past few months and, as a result, calm has been restored.

95. The Committee expressed its concern regarding the proliferation of small arms and light weapons in Chad as a result of the internal conflict in the Sudan and the military raids launched from outside the country.

96. The Committee welcomed the establishment of a national commission on disarmament.

- ***Status of bilateral relations between the Democratic Republic of the Congo and the Republic of Rwanda***

97. The Committee took note of the fact that, on the instructions of the highest authorities of the Democratic Republic of the Congo and the Republic of Rwanda, a bilateral commission, composed of the two countries' Ministers for Foreign Affairs, was established on 31 October 2008 for the specific purpose of studying ways and means of improving bilateral relations.

98. The commission held its first meeting in Kinshasa on 31 October and 1 November 2008; it has held four similar meetings since then in both Rwanda and the Democratic Republic of the Congo.

99. These meetings led to: the establishment of a bilateral mechanism; an agreement, by the two parties, to establish a joint team of information officers responsible for drawing up an operational plan to combat the ex-FAR/Interahamwe/FDLR; a decision to renew diplomatic relations in the very near future; and the conduct of joint operations by the armed forces of the Democratic Republic of the Congo and the Rwanda Defence Forces.

100. Other achievements include: (1) the endorsement by the two parties of a joint operational plan to combat the ex-FAR/Interahamwe/FDLR; (2) the establishment of a permanent joint subcommission on defence and security, for the purpose of exchanging information and addressing security problems of common concern; (3) a joint request for international sanctions against the leaders of the ex-FAR/Interahamwe/FDLR and; (4) the recommendation that, owing to the legal complexity of the case, the Ministers of Justice of both countries should hold consultations, with a view to issuing a legal opinion on the transfer of Laurent Nkunda.

- ***Developments in the situation among the countries of the Economic Community of the Great Lakes Countries***

101. The Committee welcomed the revival, on 17 April 2007, of the Economic Community of the Great Lakes Countries (CEPGL) and urged the three countries concerned, namely Burundi, the Democratic Republic of the Congo and Rwanda, to continue meeting periodically, as agreed.

102. It further welcomed the decision to hold regular sectoral meetings of the ministers of the various sectors; the proposal to organize periodic meetings of the governors of the border provinces of the three countries; and the decision to appoint Congolese officials to the Permanent Executive Secretariat of CEPGL and its specialized organs as soon as possible.

103. The Committee embraced the principle of close cooperation between the International Conference on the Great Lakes Region and the Economic Community of the Great Lakes Countries on the implementation of the Community's priority projects in the areas of peace, security, democracy and good governance, economic development and regional integration, and humanitarian issues.

## V. Implementation of the Sao Tomé Initiative

- ***Consideration and adoption of the code of conduct for Central African defence and security forces***

104. The Committee took note with interest of the briefing by the Secretariat on the draft code of conduct for defence and security forces, in Central Africa, (UNSAC/2009/28/WP.1/REV.1), which includes comments submitted by member States.

105. The draft code also takes into account the other subregional Codes developed by the United Nations Regional Centre for Peace and Disarmament in Africa, in particular the African Union code of 2002 and the West African code of 2005.

106. The concurrent consideration of this draft code and the comments submitted to the Committee by the General Secretariat of the Economic Community of Central African States (ECCAS) and the United Nations Subregional Centre for Human Rights and Democracy in Central Africa has led to the development of a consolidated version (UNSAC/2009/28/WP.1/REV.2).

107. The Code would constitute a political instrument that is subregional in scope and that outlines and further clarifies the missions, duties and obligations of the

defence and security institution in regard to the State and the civilian population in a democratic context.

108. The Code of conduct for Central African defence and security forces aims to be a collection of guidelines and principles reflecting the democratic, constitutional values which the States of the subregion share. It would be an ethical Code and would not be legally binding.

109. The Code would reaffirm the subordination of the defence and security forces to the constitutionally established political authority. It would highlight the importance of the principles of transparency and responsibility, guarantees of more effective action to combat abuses of all types on the part of the defence and security forces.

110. The Committee decided to transmit the Code of conduct for Central African defence and security forces (see annex 2) to the competent ECCAS authorities, in particular to the Defence and Security Commission of the Council for Peace and Security in Central Africa (COPAX) for endorsement.

111. The Committee also undertook to guarantee compliance with the Code, and, in that context, asked the Secretariat to assist the member States in activities to raise awareness of the Code and make it widely available.

- ***Draft legal instrument on control of small arms and light weapons in Central Africa***

112. The Committee commended the Secretariat upon the quality of the work done in collaboration with an international expert and with financial support from Austria, following a request made at the twenty-seventh ministerial meeting. The member States took note of the document (UNSAC/2009/28/WP.2/REV.2), which contains elements drawn from legal instruments having universal as well as subregional relevance.

113. The Committee reaffirmed its attachment to the methodology and schedule adopted during the twenty-fifth, twenty-sixth and twenty-seventh ministerial meetings. In that context, the Committee instructed the Secretariat to submit to it a first preliminary draft at its twenty-ninth meeting.

114. To the extent possible, this preliminary draft will also be accompanied by elements regarding implementation which correspond to the provisions of the draft legal instrument. In particular, the development of a best practices guide allowing legislation to be harmonized and including a legal definition of bladed weapons as well as the criminalization of their use for the purpose of massacres.

115. The Committee appealed to States and organizations in a position to assist for contributions to ECCAS. In that context, the Republic of the Congo has submitted to the Secretariat a preliminary draft of a legal instrument.

## VI. Origins, mandate, achievements and future prospects of the Committee

116. The Committee took note of the document entitled "Origins, mandate and achievements of the Committee" (UNSAC/2009/28/WP.3/REV.1), which the Secretariat had prepared in accordance with the recommendation made at the twenty-seventh ministerial meeting. It commended the Secretariat upon the high

quality of the text, which gives an overview of the tasks accomplished by the Committee since its establishment, and evaluates, on the basis of the programme of work adopted in 1992, the mandate assigned to it.

117. The member States spoke in favour of retaining the Secretariat of the Committee. They strongly encouraged the Committee and ECCAS Secretariats to cooperate more closely in areas of shared interest.

118. The discussions held on the subject allowed member States to review the tasks accomplished and to assess, on the basis of the programme of work adopted in 1992, the mandate assigned to the Committee.

119. They recognized that the Committee had been established by the United Nations as a body of the General Assembly at the request of the countries of Central Africa which were facing difficulties given the spread of armed violence and the deterioration of their economic prospects.

120. They reaffirmed that the Committee's role was to carry out confidence-building activities in Central Africa among the member States, including through arms control and arms limitation measures.

121. The ministers took note of document UNSAC/2009/28/WP.5, entitled "Study of the future prospects of the Committee", drafted by the Republic of Cameroon in its capacity as ad hoc coordinator carrying out activities in fulfilment of the mandate given to it by the twenty-seventh ministerial meeting. They welcomed the quality of the document and called for the implementation of its recommendations, in particular:

(a) Strengthening of cooperation and coordination between the Committee and ECCAS;

(b) Holding of the two ministerial meetings at regular intervals at times set in advance, in keeping with the principle of rotation;

(c) Strengthening of relations between the Committee and the Security Council of the United Nations;

(d) Sectoral or cross-cutting specialization of some Committee meetings;

(e) Close follow-up of the implementation of the Committee's decisions and recommendations;

(f) Relocation of the Committee Secretariat to Central Africa.

## VII. Combating cross-border crime in Central Africa

- ***Consideration of cross-border security problems in Central Africa***

122. The Committee stated that it was particularly concerned by the ongoing deterioration of cross-border security problems in the Central African subregion, including the development of organized and transnational crime.

123. The Committee recognized that this situation represented a threat to social peace and was a significant destabilizing factor in the subregion as a whole. It urged member States to redouble their efforts to fight cross-border insecurity more effectively.

124. In Cameroon, the problem of cross-border insecurity is quite pressing along the land borders, particularly with Equatorial Guinea, the Central African Republic and Chad.

125. In that context, the Committee is pleased with the countermeasures taken by the Cameroonian authorities jointly with the other countries concerned. It welcomed the establishment in 2005 of the tripartite initiative, which benefits from the assistance of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).

126. With assistance from BONUCA, the General Secretariat of ECCAS, the Economic and Monetary Community of Central Africa (CEMAC) Commission and the General Secretariat of the Community of Sahel-Saharan States, the tripartite initiative is seeking a joint solution on ways and means to sustainably stem the insecurity prevailing along the shared borders of Cameroon, the Central African Republic and Chad. It has set up regular meetings, the most recent of which was held on 20 June 2008 at Yaoundé, Republic of Cameroon; it recommended that the initiative be expanded to include the other three CEMAC member States, the Gabonese Republic, the Republic of the Congo and the Republic of Equatorial Guinea.

127. The relevant authorities of the three countries have decided to implement three types of measures to respond in a coordinated, coherent fashion to the problem of security on their shared borders: (1) national measures, such as the effective deployment of units along high-risk routes and in high-risk areas; (2) bilateral measures, such as stepping up information exchanges and the reactivation of joint commissions; and (3) tripartite measures, such as periodic evaluations of the security situation on the borders between the three countries.

128. In the middle or long term, the relevant countries also envisage seeking assistance from such partners as the United Nations, the African Union, the European Union, ECCAS, CEMAC and the Community of Sahel-Saharan States.

129. As regards the Republic of the Congo, the problem centres on the riverine borders, with attacks by bandits and criminals. In response to this situation, the Committee welcomed the establishment of joint meetings between the Republic of the Congo and Angola with a view to resolving the cross-border security problem, especially as regards the region of Cabinda.

130. The Committee was pleased that three new countries, i.e., the Gabonese Republic, the Republic of the Congo and Equatorial Guinea, had joined the tripartite initiative and would associate themselves with Cameroon, Chad and the Central African Republic to fight cross-border insecurity.

131. Given the numerous initiatives to combat cross-border insecurity in the subregion, the Committee called upon the member States and relevant subregional organizations to continue their efforts and to harmonize their approaches so as to achieve greater effectiveness.

132. It urged donors to provide support to member States in order to end the phenomenon of cross-border crime in Central Africa.

- ***Follow-up to the Yaoundé conference on problems of cross-border security in Central Africa***

133. The ministerial conference on problems of cross-border security, held in Yaoundé in September 2007, culminated in a declaration outlining need for a subregional plan of action.

134. As a follow-up to the Yaoundé ministerial declaration, the thirteenth conference of Heads of State and Government of ECCAS gave a mandate to the General Secretariat of ECCAS to implement a programme of action on cross-border security. In that context, ECCAS has launched a border programme in the framework of the continent-wide programme launched by the African Union.

135. The goal of the ECCAS border programme is to help overcome a series of obstacles which are hindering the smooth, organized and peaceful management of the cross-border movement of persons and goods and seriously hampering regional integration.

136. This programme has three main areas, i.e.: helping in the reaffirmation, demarcation and delimitation of the borders between Central African States; promotion of cross-border cooperation in combating transnational crime; and harmonization of procedures for the cross-border movements of persons and promotion of collaborative natural resource management projects in cross-border areas.

137. The ECCAS programme has also dealt with support for the development of the management capacity of State services, inter alia, by seeking foreign partnerships and support.

138. The Committee was pleased with the work done, in particular, the fact-finding missions conducted in five pilot areas in the subregion, as well as the current status of work to delimit and demarcate borders in the subregion.

139. The Committee also appealed to donors to provide financial support for all initiatives aimed at promoting peace and stability in Central Africa through measures to combat organized crime and cross-border insecurity.

- ***Questions relating to piracy in the Gulf of Guinea***

140. Member States took note of the statement by the delegation of Cameroon on the increase in acts of piracy in the Gulf of Guinea.

141. They expressed deep concern at the recent series of violent attacks on coastal towns in Cameroon and Equatorial Guinea, carried out by heavily armed groups arriving by sea.

142. The Committee strongly condemned these criminal acts and decided to include in the agenda of its twenty-ninth ministerial meeting the question of maritime piracy in the Gulf of Guinea.

143. The Committee appealed to the countries of the subregion to pool their efforts to combat maritime piracy, and also to the international community to provide all possible assistance in that regard.

144. The Committee welcomed the signing, on 6 May 2009 at Yaoundé, Cameroon, of the Agreement on maritime security in the Gulf of Guinea.

## VIII. Promotion of disarmament and arms limitation programmes in Central Africa

- ***Report on implementation of the Brazzaville Programme of priority activities (Proliferation of small arms and light weapons, and disarmament of the civilian population)***

145. The Committee noted with interest the briefings by some member States on the problem of the chaotic proliferation of small arms and light weapons in their territories and the measures taken to stem this in conformity with the relevant provisions of the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Brazzaville Programme of priority activities of 2003.

146. In this context, the Committee listened with interest to the briefing on initiatives taken by the Republic of Angola, the Central African Republic, the Republic of the Congo, the Gabonese Republic, the Republic of Cameroon, the Democratic Republic of the Congo, the Republic of Chad and the Regional Centre on Small Arms.

147. Angola has carried out a programme in four phases, as follows: (a) awareness-raising; (b) voluntary arms collection; (c) forced arms collection; and (d) assessment of the activities carried out.

148. Thus, from May to June 2008, the Republic of Angola conducted an awareness-raising campaign, which included a workshop on the dangers of small arms and light weapons and a lecture the purpose of which was to encourage people to surrender their weapons.

149. Following the awareness-raising campaign, the authorities collected somewhat over 1,500 weapons.

150. Between June and July of 2008, during the voluntary surrender phase, the relevant Angolan authorities collected nearly 32,900 illegal weapons. During this phase, Angola also initiated a process to review and update its legislation on firearms, including weapons used for hunting and in sports.

151. During the phase of forced collection of illegally owned weapons, the authorities carried out investigations which led to the confiscation of nearly 13,127 weapons.

152. Overall, Angola collected 55,064 weapons of various types, 200,266 rounds of ammunition, 35,635 magazines and nearly 15,781 explosives. Forty-nine concealed arms storage depots were also discovered. As a result, the public now feels significantly safer, given that the use of firearms in the commission of crimes has dropped.

153. Moreover, the Committee listened attentively to the briefing by the representative of the Central African Republic, who reaffirmed that his country is trying to implement, to the best of its ability, the three aspects of the programme of priority activities for Central Africa. At issue is the establishment of national commissions to combat the proliferation of small arms and lights weapons, study of national legislation and the collection and destruction of illegal arms.

154. The Central African Republic also expressed concern at the fact that there is no genuine harmonization of national legislation or subregional system for the exchange of information because there is no supranational coordinating body.

155. Furthermore, the Committee was pleased with the measures taken by the Government of the Republic of the Congo, in collaboration with the United Nations Development Programme and with the support of Japan, in the framework of the national disarmament, demobilization and reinsertion programme, and the implementation of the second phase of the project concerning arms collection for development.

156. It welcomed the establishment within the Office of the President of the Republic of the Congo of a high commission for reinsertion of ex-combatants. This body is tasked with enforcing government policy on the demobilization, disarmament and social and economic reinsertion of ex-combatants and monitoring enforcement thereof.

157. The high commission has also carried out other activities that help to build peace and security in the Republic of the Congo; these include social reinsertion of ex-combatants who have self-demobilized, prevention and peaceful resolution of conflicts and care of former child soldiers and other vulnerable groups such as women and disabled ex-combatants.

158. The Republic of the Congo has carried out operations to disarm the Ninja fighters led by Pastor Ntoumi. These operations, which began in February 2009 and which led to the collection of 2,878 weapons and 125,062 munitions have been suspended because they ran out of funds. The Committee noted that the Republic of the Congo had appealed to the international community for assistance so that these operations can be completed.

159. The Committee also welcomed the measures taken by Gabon to combat the proliferation of small arms and light weapons such as the institutional and regulatory measures taken in application of the United Nations programme of action and the programme of priority activities for Central Africa on light weapons.

160. At the institutional level, two ministers have been tasked with the issue concerning the purchase, import and possession of light weapons. The Minister of the Interior, Security and Immigration will be responsible for regulatory issues, and the Minister of Water and Forests will be responsible for hunting weapons.

161. This provision is supported by the establishment of technical bodies, such as the search and intervention brigade, the anti-crime brigade and a special unit of the gendarmerie. In the same vein, a national focal point was designated.

162. As regards regulations and legislation, the Ordinance of 1 December 1943, Act No. 46/60 of 8 June 1960 and Act No. 15/83 of 24 January 1983 are still the three provisions governing the movement of weapons in Gabon.

163. In addition, in 2001, Gabon decided to prohibit all imports of small arms into its territory. Moreover, it participates in various capacity-building workshops on small arms by sending delegates. It was among the 10 countries which took part in the small arms register established by the United Nations Regional Centre for Peace and Disarmament in Africa in the framework of the Small Arms Transparency and Control Regime in Africa (SATCRA) project, which is designed to promote

transparency in arms flows in Africa through information exchange and confidence-building between the States concerned.

164. With help from the Regional Centre and as part of the SATCRA project, Gabon has also carried out an investigation to assess the extent of local, small-scale arms manufacture on its territory.

165. The Committee was pleased to hear that, according to this study, Gabon has no small-scale or sophisticated arms manufacture facilities and that virtually all weapons used to commit crimes were manufactured abroad.

166. The Committee noted that in Chad, the phenomenon of the proliferation and illicit circulation of small arms and light weapons had intensified following the deterioration of the conflict in the Darfur region of Sudan and again following the repeated military incursions into Chad from the Republic of Sudan.

167. Initiatives have been taken by the relevant public authorities to combat the phenomenon. Search and monitoring operations have led to the confiscation of hundreds of small arms.

168. Other supplementary measures have been taken; they include the adoption of regulatory provisions governing measures against small arms and the organization of activities to raise public awareness of the dangers involved in possession of weapons, ammunition and explosive devices.

169. The Committee took note of information presented by the delegation of Cameroon regarding the proliferation of light weapons in certain of its border regions.

170. Cameroon also faces the problem of local, small-scale manufacture of weapons. However, the authorities have taken appropriate measures to deal with the situation. At the institutional level, it is the Ministry of the Interior and its technical bodies, including law enforcement and security personnel, which is responsible for combating illicit weapons.

171. As regards regulatory matters, the country has legislation governing weapons. Moreover, operations have been carried out to collect weapons with a view to their systematic destruction. However, Cameroon is experiencing difficulties related to border control and is requesting foreign assistance to strengthen its control capacities.

172. Lastly, the Committee took note of the information provided by the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (RECSA) on the activities implemented in its area of competence for the benefit of its member States, including the six member countries of the Committee, that were also States parties to the Nairobi Protocol on small arms and light weapons.

173. On 14 April 2006, the Government of Burundi established, in cooperation with RECSA, an effective small arms control programme, including a civilian disarmament campaign.

174. At the institutional level, the Government established a national commission on small arms and light weapons, which served as the focal point for the implementation of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the country.

175. In April 2009, the Republic of Burundi developed, with the assistance of RECSA, its national plan of action for the control of small arms and light weapons over the next five years.

- ***Briefing by the United Nations Office for Disarmament Affairs***

176. The Committee took due note of the briefing by the United Nations Office for Disarmament Affairs (UNODA) on the work and main conclusions of the First Committee of the United Nations General Assembly and of the July 2007 biennial meeting of States to consider the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

177. It also followed with interest the statements made by the United Nations Office for Disarmament Affairs on other disarmament and arms control related topics that had come up in the world since the twenty-seventh ministerial meeting in Luanda in May 2008.

178. The Committee was informed in that connection that the 2008 biennial meeting had focused on a number of major issues, including illicit brokering in small arms and light weapons, marking and tracing of arms, management of arms stockpiles and assistance and cooperation between States.

179. The First Committee of the United Nations General Assembly considered, among other matters, issues relating to the proliferation of small arms and light weapons, which had been previously covered by the biennial meeting.

180. Pending the adoption of an international arms trade treaty, the Committee welcomed the decision to establish an open-ended working group to further consider those elements in the report of the Group of Governmental Experts where consensus could be developed with a view to their inclusion in the future treaty.

181. The Committee welcomed the definition of the agenda of the working group which, apart from the organizational session that was held in New York on 27 February 2009, would hold up to six one-week sessions as of 2009, two of which were scheduled for New York in 2009. The first session was held from 2 to 6 March 2009, the second would be held from 13 to 17 July 2009. The Committee strongly urged Member States in a position to do so, to participate in the work of the working group.

182. The Committee also took note of the information on the organization, from 15 to 16 April, 2009, in Lomé, Togo, of a subregional dialogue seminar on the arms trade treaty for civil society organizations from West, Central and North Africa by the United Nations Regional Centre for Peace and Disarmament in Africa, in collaboration with the International Action Network on Small Arms (IANSA) and the Réseau d'action sur les armes légères en Afrique de l'Ouest (West Africa Action Network on Small Arms (RASALAO). The seminar was organized in preparation for the meeting of governmental experts convened by the United Nations Institute for Disarmament Research (UNIDIR) in Dakar, Senegal, from 28 to 29 April 2009.

183. Regarding assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them, including in Africa, the Committee endorsed the United Nations General Assembly recommendation that the United Nations Regional Centre for Peace and Disarmament in Africa should continue to work

closely with the African Union to assist the African States affected in curbing the illicit circulation of small arms and light weapons and collecting them.

184. The Committee also expressed satisfaction with the decision to hold — no later than 2011 — an open-ended meeting of governmental experts to address issues related to cooperation and international assistance with respect to combating the proliferation of small arms and light weapons.

185. It also welcomed the decision to convene a conference in New York, no later than 2012, to review progress made in the implementation of the 2001 programme of action, and to convene regular subregional meetings, the first of which would be held on 8 and 9 July 2009 in Kigali, Rwanda.

186. The Committee endorsed the idea of convening a subregional preparatory meeting in 2010 to help Member States to prepare for the biennial meeting of States to consider the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

187. The Committee expressed satisfaction at the fact that United Nations Member States had stressed the need to continue efforts to promote transparency in small arms flows, including by regulating the transfer of weapons and reducing military expenditures through the active participation of States in the United Nations standardized instrument for reporting military expenditures, which would be reviewed for the first time in 2010.

188. Lastly, the Committee also welcomed the development by the Secretariat of other topics related to the limitation of light weapons, including promotion of the universality of the Convention on Certain Conventional Weapons (CCW) and the organization, by the United Nations Office for Disarmament Affairs, with the financial support of the European Union, of a training workshop for the countries of the Middle East and the Mediterranean, in Rabat, Morocco, from 18 and 19 November 2008, to promote its ratification.

189. The Committee welcomed the continuing efforts of the United Nations Office for Disarmament Affairs to promote the implementation of Security Council resolution 1540 (2004). It also welcomed the negotiations under the Dublin diplomatic conference on the adoption of a convention on cluster munitions. The negotiations were successfully concluded on 30 May 2008 and led to the opening for signature, at the Oslo Conference of 3 December 2008, of the Convention on Cluster Munitions.

190. Africa was particularly keen on that process as demonstrated by the holding of two thematic workshops — the first in Livingstone, Zambia, in April 2008 and the second in Kampala, Uganda, in September 2008.

191. Lastly, the Committee welcomed the adoption, on 17 November 2008 of General Assembly resolution 63/23 entitled "Promoting development through the reduction and prevention of armed violence".

192. The resolution, which followed up on the Geneva Declaration on Armed Violence and Development of 7 June 2006, requests the Secretary-General to seek the views of Member States on the interrelation between armed violence and development and to submit a report to the General Assembly at its sixty-fourth session in 2009. The Committee urged its member States to submit their views to the

Secretary-General without delay given that deadline for submission was 31 May 2009.

## IX. Briefing by the ECCAS secretariat on the subregional seminar on security sector reform held in Kinshasa from 13 to 15 January 2009

193. The Committee was briefed by the ECCAS secretariat on the subregional seminar on security sector reform it had organized in Kinshasa, Democratic Republic of the Congo, from 13 to 15 January 2009. The Committee expressed satisfaction with the work and outcome of the seminar.

194. The seminar had four main goals, namely to: raise the awareness of relevant subregional stakeholders about the importance of reforming the security sector; establish a dialogue among government stakeholders, parliamentarians and civil society; identify the lessons learned from the security sector reform programmes carried out by some ECCAS member countries; and identify the role that ECCAS could play in promoting security reform in Central Africa.

195. The main conclusions of the seminar were, inter alia, that any security sector reform programme must be geared towards meeting two objectives: enhancing the effectiveness of the security services and improving democratic governance.

196. The seminar also concluded that, in order to be relevant, reform of the security sector must be holistic and based on a concept of national security that covered all entities responsible for individual and State security. Participants also noted that only the Central African Republic had met all the parameters for sound security sector reform.

197. In that regard, the Committee urged member States to ensure that all the recommendations emanating from the seminar were implemented and appealed to international partners and donors to give them the necessary support in that connection.

198. The Committee also took note of the briefing by the Secretariat on the implementation by the United Nations Regional Centre for Peace and Disarmament in Africa of the African security sector reform programme.

199. It encouraged the United Nations Regional Centre for Peace and Disarmament to continue its efforts to raise awareness of the need for better civil-military relations, build the capacity of armed and security forces and parliamentarians, and produce working documents and other substantive technical materials in order to support the proper management of the security sector in Africa, including providing security for elections.

## X. Report by the ECCAS secretariat on the institutional evolution of the subregional peace and security structures and mechanisms, including ratification of the Council for Peace and Security in Central Africa (COPAX) Protocol, non-aggression and mutual assistance pacts and the Central African multinational force (FOMAC)

200. The Committee took note of the briefing by the ECCAS secretariat on the main activities conducted recently in the areas of peace, security and human integration.

201. The Committee welcomed the establishment of centres of excellence, the regional logistics centre and the different groups under COPAX. It encouraged ECCAS to continue its efforts regarding regional crisis management, including with respect to the establishment of the first FOMAC peacekeeping mission, MICOPAX1 (Mission de consolidation de la paix en République Centrafricaine) which has gendarmerie, police and civilian components.

202. The Committee welcomed the signing in Yaoundé, Republic of Cameroon, on 6 May 2009, of a technical agreement between ECCAS and the States members of the Gulf of Guinea Commission on the security of the Gulf of Guinea and the launching of the first joint patrols in zone D. It welcomed the announcement regarding the conduct of a major multidimensional certification exercise for the regional brigade (Kwanza 2010) in Luanda, Republic of Angola, in 2010.

203. The Committee also welcomed the progress achieved and the measures taken by ECCAS in the area of electoral assistance to States, including the supervision of legislative elections in Angola in August 2008.

204. It took note of the other measures taken to further develop the operational capacities of the Central African Early Warning Mechanism (MARAC).

## XI. Report on the activities of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa

205. The Committee took note with interest of the progress report presented by the Director of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa.

206. It welcomed the Centre's use of communications and awareness-raising to achieve its goal of promoting and protecting human rights in the subregion, including the rights of the most vulnerable sectors of the population and of indigenous peoples.

207. The Committee welcomed the assistance provided by the Centre to State institutions and civil society organizations. It urged the Centre to continue fighting impunity, providing support for transitional justice and elections in Central Africa and supporting capacity-building for members of the security and armed forces, journalists and members of Parliament.

208. The Committee reiterated its support for the Centre's activities, expressed satisfaction with its work and wished the Director well in her new post, which she would take up in June 2009.

## XII. Review of the financial situation of the Committee, including under the regular budget of the United Nations and the United Nations Trust Fund

209. The Committee noted the briefing by the secretariat on the Committee's financial situation, including under the regular budget of the United Nations and the mode of funding the United Nations Trust Fund established on 29 March 1996.

210. The Committee stressed the need for holding two regular annual meetings in the countries of the subregion, based on rotation.

211. It was also deemed desirable to strengthen the interaction between United Nations bodies responsible for security issues in Central Africa and the Committee's ministerial forums.

212. The Committee also decided to bring the matter before the relevant United Nations budgetary bodies in order to secure support for its work in accordance with the resolutions of the General Assembly. The Committee also decided to review the progress made at its twenty-ninth ministerial meeting.

213. The Committee also expressed concern at the lack of voluntary contributions to the Trust Fund and stressed that all member States should endeavour to make regular contributions to the Trust Fund established to support the Committee.

214. The Committee decided to examine its financial situation at every ministerial meeting.

215. Lastly, the Committee adopted the "Declaration on the Trust Fund of the United Nations Standing Advisory Committee on Security Questions in Central Africa", also known as the "Libreville Declaration", which is annexed to this report (See Annex 1).

## XIII. Date and place of the next meeting

216. The Committee decided to hold its twenty-ninth ministerial meeting in N'djamena, Chad, in late September or early October 2009. The Secretariat would be informed of the exact dates.

## XIV. Other matters

217. The Committee took note of the Republic of Chad's briefing on the violation by the Sudan of the agreement on normalization of relations between the two countries, just one day after its signature, on 3 May 2009, in Doha, Qatar. The Committee endorsed the communiqué issued by the African Union in that connection.

218. Furthermore, the Committee welcomed the appointment by the Democratic Republic of the Congo of four officials to the Permanent Executive Secretariat and specialized organs of the Economic Community of the Great Lakes Countries (CEPGL), on 5 May 2009.

219. That decision comes within the context of implementing one of the decisions taken at the CEPGL ministerial meeting held in Bujumbura, Republic of Burundi, on 17 April 2007.

## XV. Adoption of the report of the twenty-eighth ministerial meeting

220. The Committee adopted the present report on 8 May 2009. It congratulated the Committee secretariat for its professionalism and the quality of its work and reiterated its gratitude to the United Nations Secretariat for the revitalization of the Committee's activities, as well as for its contribution to peace and security in Central Africa.

# C. Expression of thanks

221. The following expression of thanks was read out:

222. "We, the representatives of the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, assembled for the twenty-eighth ministerial meeting, held from 4 to 8 May 2009 in Libreville, Gabon;

223. Extend our sincere condolences to His Excellency, El Hadj Omar Bongo Ondimba and the Government and people of the Gabonese Republic, and to His Excellency Mr. Denis Sassou Nguesso and the Government and people of the Republic of the Congo, for the sad loss of the First Lady of Gabon, the late Mrs. Edith Lucie Bongo Ondimba;

224. Reaffirm our commitment to the ideals of peace, security and stability that are so vital to our respective peoples and to the socio-economic development of our subregion;

225. Commend the individual and collective efforts of our countries to achieve peace, security, stability and development;

226. Welcome the atmosphere of conviviality, brotherhood and mutual trust which has prevailed throughout our work; and

227. Express our sincere thanks and deep gratitude to His Excellency, El Hadj Omar Bongo Ondimba, President of the Gabonese Republic, and to the Government and people of Gabon, for the warm welcome and fraternal hospitality we have received during our stay in Gabon."

Libreville, 8 May 2009

# Annexes

## Annex I

### Declaration on the Trust Fund of the United Nations Standing Advisory Committee on Security Questions in Central Africa

1. We, the Ministers and Heads of Delegation of the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, assembled in Libreville, Gabonese Republic, on 7 and 8 May 2009, for the Committee's twenty-eighth ministerial meeting, have adopted the following declaration, known as the "Libreville Declaration" which reads as follows:

2. Guided by the determination to promote peace, security and good-neighbourly relations in the Central African subregion, as repeatedly expressed by our Heads of State;

3. Bearing in mind the purposes and principles of the Charter of the United Nations and the Constitutive Act of the African Union;

4. Also bearing in mind the establishment by the Secretary-General on 28 May 1992 of the United Nations Standing Advisory Committee on Security Questions in Central Africa; the purpose of which is to encourage arms limitation, disarmament, non-proliferation and development in the subregion;

5. Expressing our great satisfaction at the Committee's very positive record in terms of its significant contribution to the cause of peace and security in Central Africa;

6. Convinced that the Committee's contribution can and must be optimized through close cooperation with the other entities mandated to promote peace in Central Africa, in particular the Economic Community of Central African States (ECCAS);

7. Concerned at the insufficient resources allocated to the Committee and the fact that no contributions have been made to the Trust Fund since 2003;

8. Determined to take all appropriate measures to enable the Committee to continue the work for which it was established:

- Reaffirm the relevance and value of the United Nations Standing Advisory Committee on Security Questions in Central Africa as an integral part of the subregional architecture for the promotion of peace and security in Central Africa
- Invite the secretariats of the Committee and ECCAS to strengthen their cooperation on all vital issues relating to peace and security in Central Africa.

9. Furthermore, we underscore the need for the States members of the Committee to:

- commit themselves to making regular contributions to the Trust Fund in order to support the Committee's activities
- undertake activities to mobilize funds from various partners at both the national and the international level
- consider the Committee's financial situation at each of its meetings.

Libreville, 8 May 2009

# Annex II

## Code of conduct for the defence and security forces in Central Africa

### Preamble

The defence and security forces are important institutions in the life and development of a nation. In that respect, their tasks and responsibilities are difficult and require some minimum reference points to facilitate their implementation. Their legal framework therefore comprises the major democratic principles defined, inter alia, in the Universal Declaration of Human Rights, democratic State constitutions, and international humanitarian law, all of which advocate respect for life, and in the various instruments relating to the rules of general discipline in the defence and security forces.

Since they operate in an environment that is constantly changing, the defence and security forces of Central Africa are also learning to assimilate new concepts, such as the new definition of security within the context of security sector reform, and human security. Such activities are part of efforts to strengthen subregional peace, security and stability.

In view of all the above, and taking into account the relevant recommendations of the twenty-sixth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, under the Sao Tomé Initiative, the member States have decided to establish a non-binding code of conduct for the defence and security forces in Central Africa, the provisions of which are set out below.

### Chapter 1: Definitions and general principles

*Definitions*

In this Code of Conduct, "defence and security forces" shall mean all uniformed personnel who perform a defence or security role on behalf of the State.

The term shall include the army, air force, navy, gendarmerie, police, Republican Guard, water and forestry officials, customs officers, firefighters and any other service officially designated by the national authorities as having such a role.

### General principles

*Article 1*

The defence and security forces shall be republican and non-political.

*Article 2*

The defence and security institutions shall be at the disposal of the constitutionally established civilian political authority.

*Article 3*

Defence and security forces personnel shall remain disciplined and loyal to their State at all times. They owe obedience to the democratically elected constitutional authority in respect of any command it issues in accordance with the laws and regulations of their State.

*Article 4*

Political groups, parties and associations shall refrain from interfering in operations carried out by the defence and security forces or extending their partisan and ideological struggle to them.

*Article 5*

The defence and security forces shall be at the service of the nation and its citizens. Their mission shall be to defend the nation and safeguard — if necessary by force of arms — the territorial integrity of their State; to protect persons and property; and to maintain peace and security in their country.

*Article 6*

The defence and security forces are crucial for forging national unity and cohesion. Accordingly, recruitment and management of defence and security forces personnel shall be undertaken without the slightest discrimination as to race, gender, ethnicity, region or religion.

*Article 7*

The defence and security forces shall work to promote democratic principles and practices within the nation and to defend its established democratic institutions.

*Article 8*

Democratic control of the defence and security forces by State institutions (executive, legislative and judicial) shall be exercised in a transparent and responsible manner, particularly in relation to defence and security planning, budget and procurement processes.

**Chapter 2: Rights and duties of the defence and security forces**

*Article 9*

In performing their duties, defence and security forces personnel shall enjoy their civil rights and fundamental freedoms as defined by the constitution of their State, subject to such limitations as are prescribed by law.

When such personnel are serving in a United Nations or African Union field mission the same provisions shall apply and shall be set down in the status-of-forces and status-of-mission agreements relating to their deployment.

*Article 10*

Defence and security forces personnel shall be entitled to the State's protection with regard to acts or actions performed in the course of missions undertaken on the

legitimate orders of their superiors. They shall therefore receive legal assistance in the courts, where appropriate.

*Article 11*

In performing their duties, defence and security forces personnel shall respect national law, international humanitarian law and human rights.

*Article 12*

Defence and security forces personnel shall have a professional duty to demonstrate discipline, loyalty, willingness and a spirit of sacrifice in all circumstances.

*Article 13*

Defence and security forces personnel shall not divulge confidential or classified information unless authorized to do so by the competent authority.

*Article 14*

Defence and security forces personnel shall be prohibited from expressing political opinions publicly, unless authorized to do so by the competent superior officer.

*Article 15*

Members of the defence and security forces shall not belong to any political party, militia, armed group or organized criminal group.

**Chapter 3: Relations between the defence forces and the security forces**

*Article 16*

The defence and security forces shall be used to meet internal and external security requirements. In performing their duties, they shall remain in permanent contact with each other:

– in peacetime;

– at times of internal disturbances; and

– in times of war.

*Article 17*

In peacetime, responsibility for maintaining law and order lies with the police. The defence forces and security forces shall work together with the police on information-sharing, personnel training, police missions and preparation for mobilization.

*Article 18*

At times of internal disturbances, responsibility for protecting life and for maintaining law and order and security shall lie, first and foremost, with the police, the national gendarmerie and other security services, where they exist.

The defence forces shall intervene only if requisitioned by the political authority, as a last resort, in exceptional circumstances such as a state of emergency or state of siege, and in accordance with the constitution of the State in question.

*Article 19*

In times of war, the gendarmerie and police shall automatically take part in the operational defence of the territory alongside the defence forces.

*Article 20*

The maintenance of law and order shall be the responsibility of the **competent** civilian authority and shall fall exclusively within the remit of the minister for security.

The military authority shall not intervene in that area unless ordered to do so by the political authority, in accordance with the regulations in force.

*Article 21*

In accordance with national legislation and the relevant international instruments, and upon the orders of the political authority, the defence forces may be required to work alongside the security forces in combating criminal activities, such as the illicit trade in and proliferation of arms, terrorism, large-scale banditry, organized crime, human trafficking and violence against women and children.

**Chapter 4: Defence and security forces and rules for the use of force**

*Article 22*

In accordance with the relevant decisions and declarations of the Organization of African Unity/African Union, in particular those relating to the framework for a response to unconstitutional changes of government and the declaration on the Conference on Security, Stability, Development and Cooperation in Africa, any interference by the defence and security forces in the political arena shall be illegal and strictly prohibited.

*Article 23*

It shall be the responsibility of the national political authorities to ensure that adequate financial and logistical resources are made available to the defence and security forces to enable them to perform their duties.

*Article 24*

The political authority shall ensure that all military operations carried out on its orders, including operations to maintain public order and preserve the peace, are executed in accordance with the relevant provisions of this Code of Conduct, national and international law, international humanitarian law and human rights.

*Article 25*

The security forces shall not use lethal weapons to disperse non-violent demonstrations.

In case of violent demonstrations, they shall use only minimum force, respecting the principle of proportionality, particularly when acting in self-defence. They shall, in all cases, treat civilian populations humanely, in accordance with the standards of current international humanitarian law and human rights.

*Article 26*

In the event of an incident, the security forces shall provide, or facilitate the provision of, medical assistance to all injured persons.

The victims' families shall be informed by the force commanders. An enquiry into the incident shall be opened and a report prepared. Should any members of the forces die or be injured during such operations the same procedure shall apply.

**Chapter 5: Defence and security forces, human rights, international humanitarian law and relations with civilian populations**

*Article 27*

The commanders of the defence and security forces shall ensure that relations among their personnel, and between their personnel and the civilian population, are harmonious and based on mutual respect.

*Article 28*

The defence and security forces shall ensure that their activities are transparent and well understood, by implementing a public information policy regarding their missions and, where appropriate, providing advice to users.

*Article 29*

In their relations with civilian populations, defence and security forces personnel shall refrain from any action or conduct that could damage the credibility or reputation of their institution.

*Article 30*

In addition to their operational training, defence and security forces shall receive appropriate training in the areas of constitutional law, human rights, international humanitarian law and any other national and international legal instrument intended to protect people's fundamental rights.

*Article 31*

Defence forces engaged in foreign peacekeeping missions shall respect international humanitarian law, international human rights standards and all existing international and other instruments connected with peacekeeping missions, including those relating to the role of women in peace and security and those prohibiting sexual violence.

*Article 32*

The political or administrative civilian authority and defence and security forces personnel shall be held individually responsible for any instruction, order,

action or omission that violates human rights, international humanitarian law, national laws and regulations in force or the provisions of this Code of Conduct.

*Article 33*

In the exercise of command, no order that clearly contravenes human rights, international humanitarian law, national laws in force or the provisions of this Code of Conduct shall be given to, or executed by, the defence and security forces.

*Article 34*

Defence and security forces personnel shall be bound not to obey orders given by their superiors that clearly contravene human rights and legislation in force.

*Article 35*

The defence and security forces shall respect human dignity, safeguard the physical integrity of persons, ensure the security of their property and refrain from endangering the life or physical integrity of persons under any circumstances, except in self-defence or the defence of others.

*Article 36*

All persons shall be entitled to refer any violation of their legal and constitutional rights by the defence and security forces to the competent courts. The said courts shall be prepared to investigate any such complaints filed by citizens.

*Article 37*

Civilian populations shall be entitled to respect, protection and assistance from the defence and security forces. In performing their duties, defence and security forces personnel shall provide adequate protection, assistance and refuge to all persons in need.

They shall ensure that internally displaced persons, refugees, non-nationals, stateless persons, minorities, women, children, the elderly and persons with disabilities are not subject to discrimination based on race, gender, age, identity, religion or political opinions.

*Article 38*

Defence and security forces personnel shall refrain in all circumstances from such acts as murder, torture, physical abuse, rape, sexual exploitation, mutilation, cruel, inhuman or degrading treatment, looting, racketeering, corruption, hostage-taking, collective punishment, intimidation, threats or any other conduct intended to undermine the physical and psychological well-being of the individual.

*Article 39*

Defence and security forces personnel shall ensure full compliance with Community provisions, particularly those relating to free movement of persons and property and freedom of residence and establishment. They shall also consolidate and harmonize border control measures, ensure the physical integrity of individuals, and protect and safeguard their property.

*Article 40*

In performing their tasks, defence and security forces personnel shall cooperate with one another in terms of their respective and complementary responsibilities. They shall maintain ongoing and harmonious relations, both in times of peace and in times of crisis, social unrest or armed conflict.

*Article 41*

Open days, joint initiatives in the public interest, debates between civilians and the military, and awareness-raising and information campaigns shall be organized frequently with a view to fostering relations between the defence and security forces and the civilian populations.

**Chapter 6: Final provisions**

*Article 42*

This Code of Conduct shall be taught, disseminated and implemented within the various units of the defence and security forces of the Central African countries.